



03-2-315

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seymour, et al.

Application/Control No.: 10/737,048

Art Unit: 3632

Filed: 12/16/2003

Examiner: Sterling, Amy Jo

For: BRACKET ASSEMBLY

Commissioner for Patents
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Sir:

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313, on

May 27, 2005
William H. McNell
William H. McNell

APPEAL BRIEF UNDER 37 C.F.R. 41.37

Applicant(s) hereby present(s) to the Board Of Appeals his/her/their Brief in support of his/her/their Appeal from the decision of the Primary Examiner finally rejecting Claims 1-3, in the above-identified application. Please charge the \$500.00 fee to Deposit Account No. 15-0685. A triplicate of this page is enclosed for Fee purposes.

REAL PARTY IN INTEREST

The real party in interest is OSRAM SYLVANIA Inc., a wholly owned subsidiary of Siemens Corp.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences pending which are related to the instant appeal.

STATUS OF CLAIMS

Claims 1-3 have been rejected.

Claims 1-3 are appealed. These claims are delineated in the Appendix attached hereto.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates to an assemblage (8) that comprises an electrical connector (10) having body (12) with a tubular projection (14) having a push-through portion (16) having a first diameter and an engaging portion (18) having a second diameter larger than the first diameter. A support (20) for the electrical connector (10) has a major part (22) that is substantially rigid and includes an aperture (24) formed by a plurality of deflectable spokes (26). The aperture (24) has a center opening (28) with a third diameter greater than the first diameter and less than the second diameter, whereby the tubular projection push-through portion (16) slides through the aperture (24) and the spokes (26) engage the second diameter of the engaging portion (18) and mount the electrical connector (10) with the support (20). The assemblage thus provides an electrical connector that **directly** engages a support without needing an intermediary feature.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-3 are patentable under 35 U.S.C. §103(a) over the combination of U.S. Patent No. 5,653,147 Kelly et al. in view of U.S. Patent No. 6,189,407 to Champ et al.

ARGUMENT

35 U.S.C. 103

Kelley et al. '147 relates to a connector having a rubber sheath 18 that engages a rubber retainer 28 that is fitted into a hole 30 in a support bracket 32. Champ et al. '407 relates to a connector that utilizes a sleeve member and a clip member ('407, col. 6 lines 65 -67, col. 7 lines 1-67) for mounting in a hole 18 in a support 16.

There is no suggestion in this combination of the instant claimed invention wherein an electrical connector with a metal body with multiple diameters has a second portion that engages the spokes formed about an aperture in a support.

"In determining obviousness of claimed apparatus under 35 U.S.C. 103, it is improper to modify reference in light of applicant's own disclosure." Ex parte Camarata; 151 USPQ 739; PO Bd of App; Mar. 1 and May 17, 1966

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Both references being applied against the claims of this invention require an intermediate member that is fitted into an aperture and, therefore, provide no teaching at all to one skilled in the art that a viable support can be made without the use of an intermediate member, the support and the connector combining to provide a good electrical grounding.(specification, page 3, lines 8-12).

Accordingly, the rejection is improper and reversal is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'W. H. McNeill', written in a cursive style.

William H. McNeill

Reg. No. 24,426

Agent for Applicants

CLAIMS APPENDIX

1. An assemblage comprising:
an electrical connector having a metal body with a tubular projection having a push-through portion having a first diameter and an engaging portion having a second diameter larger than said first diameter;
and a metal support having a major part that is substantially rigid and includes an aperture formed by a plurality of deflectable spokes, said aperture having a center opening with a third diameter greater than said first diameter and less than said second diameter, whereby said tubular projection push-through portion slides through said aperture and said spokes engage said second diameter of said engaging portion and mount said electrical connector with said support.
2. The assemblage of Claim 1 wherein a stop associated with said second diameter limits the amount of movement possible for said support.
3. The assemblage of Claim 2 wherein said spokes of said support diverge away from the plane of said major part of said support.

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EVIDENCE APPENDIX

No additional evidence has been submitted in this application.

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RELATED PROCEEDINGS APPENIDX

There are no related proceedings under 37 CFR 41.37(c)(1)(ii) in this application